

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

PRIMO BAGGIOLINI,

Plaintiff.

v.

No. 4:21-cv-1293-P

ALTISOURCE HOLDINGS LLC, ET AL.,

Defendants.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE**

United States Magistrate Judge Jeffrey L. Cureton made Findings, Conclusions, and a Recommendation (“FCR”) regarding Defendants Unknown; John Doe, Note Holder 1-500. ECF No. 27. Plaintiff Primo Baggiolini timely filed an Objection to the FCR. ECF No. 28.

However, an objection that merely restates general arguments already presented to the magistrate judge is not specific. And failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Auto. Ass’n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

Here, Baggiolini’s Objection does not contain specific objections; instead, it simply asserts more of the same arguments and allegations presented in the Amended Complaint. *Compare* ECF No. 8 *with* ECF No. 28. Further, the Objection does not address the failure to timely file proof of proper service on these Defendants, why there may be good cause that proof of proper service cannot be filed, or otherwise prove that these Defendants have been properly served. Accordingly, Judge Cureton has already considered these arguments, and the Court is “not obligated to address objections [which are merely recitations of the

identical arguments made before the magistrate judge] because . . . such objections undermine the purpose of the Federal Magistrate’s Act, 28 U.S.C. § 636, which serves to reduce duplicative work and conserve judicial resources[.]” *Owens v. Comm’r of Soc. Sec.*, 1:13-47, 2013 WL 1304470, at *3 (W.D. Mich. Mar. 28, 2013) (emphasis in original); *see also Camardo v. Gen. Motors Hourly-Rate Emps. Pension Plan*, 806 F. Supp. 380, 382 (W.D. N.Y. 1992) (holding recitations of nearly identical arguments are insufficient as objections and constitute an improper “second bite at the apple”).

Nevertheless, the District Judge conducted a review of the purported objections in accordance with 28 U.S.C. § 636(b)(1). And having conducted a *de novo* review of the FCR, record, and objections, the undersigned District Judge believes that the Findings and Conclusions of the Magistrate Judge are correct. Further, as of the date of this Order, the Court notes that Baggiolini still has not filed proof of proper service on these Defendants. Accordingly, Baggiolini’s Objection is hereby **OVERRULED**. Judge Cureton’s recommendation is hereby **ADOPTED**, and Baggiolini’s claims against the above Defendants are **DISMISSED**. The Court **REFERS** the instant action to United States Magistrate Judge Jeffrey Cureton for pre-trial management.

SO ORDERED on this 19th day of May, 2022.

A handwritten signature in black ink, appearing to read "Mark T. Pittman", written over a horizontal line.

Mark T. Pittman
United States District Judge